

ASSEMBLY BILL

No. 1603

Introduced by Assembly Member Shirley Horton

February 22, 2005

An act to amend Section 14202.2 of the Penal Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1603, as introduced, Shirley Horton. Sexually violent predators.

Existing law requires the Director of Corrections, prior to the release of a person from custody resulting from conviction for certain crimes of a sexual nature against 2 or more victims, to refer the person to the State Department of Mental Health for evaluation. The law authorizes civil commitment for a 2-year term, as a sexually violent predator, if the person is adjudicated to be likely to engage in sexually violent criminal behavior if discharged.

Under existing law, if the court finds that the person is no longer likely to commit acts of predatory sexual violence while under supervision and treatment in the community, it is required to order a one-year community placement with an appropriate forensic conditional release program operated by the state.

Existing law requires the Department of Justice, in consultation with the State Department of Mental Health, to update any supervised release file available to law enforcement agencies, including, but not limited to, the California Law Enforcement Telecommunications System, to reflect among others, patients undergoing community mental health treatment through the sexually violent predator conditional release program.

This bill would require the Department of Justice, in consultation with the State Department of Mental Health to report to the Legislature by June 1, 2006, the total number of persons released to the community pursuant to the forensic conditional release program who have violated the registration requirements set forth in the terms of their conditional release.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14202.2 of the Penal Code is amended
2 to read:

3 14202.2. (a) The Department of Justice, in conjunction with
4 the Department of Corrections, shall update any supervised
5 release file that is available to law enforcement on the California
6 Law Enforcement Telecommunications System every 10 days to
7 reflect the most recent inmates paroled from facilities under the
8 jurisdiction of the Department of Corrections.

9 (b) Commencing on July 1, 2001, The Department of Justice,
10 in consultation with the State Department of Mental Health, shall
11 also update any supervised release file that is available to law
12 enforcement on the California Law Enforcement
13 Telecommunications System every 10 days to reflect patients
14 undergoing community mental health treatment and supervision
15 through the Forensic Conditional Release Program administered
16 by the State Department of Mental Health, other than individuals
17 committed as incompetent to stand trial pursuant to Chapter 6
18 (commencing with Section 1367) of Title 10 of Part 2.

19 (c) *The Department of Justice, in consultation with the State*
20 *Department of Mental Health shall report to the Legislature by*
21 *June 1, 2006, the total number of persons released to the*
22 *community pursuant to the Forensic Conditional Release*
23 *Program pursuant to Article 4 (commencing with Section 6600)*
24 *of Chapter 2 of Part 2 of Division 6 of the Welfare and*
25 *Institutions Code, who have violated the registration*
26 *requirements set forth in the terms of their conditional release.*

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